

MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF
THE VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM,
VILLAGE HALL, ON WEDNESDAY, OCTOBER 7, 1998.

Members Present: Patrick J. Gilmartin, Chairman
William Hoffman
Peter Lilienfield
Allen Morris
Patrick Natarelli

Also Present: Kevin J. Plunkett, Village Counsel
Ralph Mastromonaco, Planning Board
Consultant
Brenda Livingston & Joseph Elliot, Ad Hoc
Planning Board Members
Eugene Hughey, Building Inspector
Florence Costello, Planning Board Clerk
Thomas Jackson, E.C.B. Chairman
Applicants and other persons mentioned in
these Minutes
Members of the public.

IPB Matters

Considered: 94-03 -- Westwood Development
Associates,

Sht.10,P25J2,25K2;Sht.10C,B1.226,Lots 25A,26A,
Sht. 11,P-25,25J
98-12 -- Boran Construction Company
Sht. 5, Bl. 212, Lot 4&5
98-14 -- Spectrum IrvingtonCorp.
Sht. 12B, Lot #1 (Amendment)
98-16 -- Spectrum Irvington Corp.
Sht. 12B, Lot #9 (Amendment)
98-37 -- Joel & Sheri Poznanski
Sht. 10C, Bl. 226, Lot 20
98-39 -- Eileen Fisher
Sht. 2, P-109P6, 109P9
98-40 -- Jeffrey Link
Sht. 13B, P-43C
98-41 -- Spectrum Irvington Corp.
Sht. 12B, Lot #22
98-42 -- Spectrum Irvington Corp.
Sht. 12B, Lot #58
98-43 -- Stanley Rubenzahl
Sht. 10, P-77, Part of P-21F
98-44 -- Ciccio & Chernick

Sht. 10C, Bl. 226, Lot 25

The Chairman called the meeting to order at 8:00 p.m.

With reference to a Local Law adopted by the Village Board prohibiting the Board from considering any application concerning property on which taxes are delinquent, Mrs. Costello advised the Board that the Village Clerk-Treasurer had confirmed that all properties on the Agenda were current as to taxes and fees.

IPB Matter #94-03: **Application of Westwood**
Development **Associates,**
Inc., for Limited Site Development
Plan Approval for property at
Broadway,
Riverview Road and Mountain Road.

The matter was adjourned to the Westwood Special Meeting on October 14, 1998, at the request of the Applicant.

IPB Matter #98-12: **Application of Boran**
Construction Corp., for
Site Development Plan Approval
for property
at 76 Main Street.

Kenneth Nadler, Architect appeared for the Applicant and presented new drawings and plans that require two Zoning Board variance approvals. Mr. Nadler was advised the Planning Board can not consider the new plan until the Zoning Board of Appeals approves the variances. Mr. John Canning of 11 South Ferris Street expressed concern about odors from garbage from any food establishment leased from Boran. Mr. Nadler agreed to include an enclosed garbage bin on the premises. The Board agreed to carry over this application to the next meeting.

IPB Matter #98-39: **Application of Eileen Fisher**
for Site
Development Plan Approval for
property at
44 Matthiessen Park.

Earl Ferguson, Architect, appeared for the Applicant. Applicant paid the required application fee and furnished evidence of mailing of required Notice to Affected Property Owners. The proposed development consists of a two story addition on the north side of existing two story home, enclose a bedroom of 700 gross sq. ft. on the first floor, and an artist's studio of 743 sq. ft. on the second floor, totaling 1,443 gross sq. ft. on the north portion of the lot. The owner also wishes to construct a one story addition to enclose a new lap pool (to replace an existing pool) on the south side of the existing house. The additions will increase the footprint by 70.6%, lot coverage will be 4,366 sq. ft. or 5.43% of the lot. Drawing submitted were "Plans for Additions and Alteration to the Fisher Residence (seven pages including survey) by Earl E. Ferguson, Architect, dated 9/24/98," and "Landscape Site Plan prepared by IQ Landscape Architects, dated 8/14/98."

Mr. David Gamper, son of a neighbor, questioned the impact of construction traffic, water runoff, and tree removal. He was reassured by Mr. Ferguson any disturbance was minimal and non-intrusive to neighbors or environment. Mr. Eugene Hughey, Building Inspector, expressed concern on office use of residential property. After some discussion, it was decided this potential problem was not within the scope of the Planning Board. Memos received from Ralph Mastromonaco dated 10/7/98, and the Environmental Conservation Board dated 9/29/98, had no objections to the proposed development.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. The Board then determined that the application is for a proposed action that is a Type II action under SEQRA.

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make

submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE,** the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application.

IPB Matter #98-37:
Poznanski for

Application of Joel & Sheri
Waiver of Site Development Plan
Approval for
property at 74 Riverview Road.

Messrs. Joel Poznanski and James Dunn appeared for the Application postponed from the September 2, 1998 Planning Board meeting. The proposed development consists of an addition to the existing residence, increasing the square footage by 560 square feet of floor area on a total of two floors, a total of about 4000 cubic feet, increasing the footprint of the existing building by 160 square feet. Mr. John Park, a concerned neighbor, was not in attendance to comment on previous concerns of adequate screening between abutting properties. However, Messrs. Poznanski and Dunn represented to the Board that they had reached agreement with Mr. Park concerning a planting plan which satisfied Mr. Park.

The Chairman, with the Board's concurrence stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. There were no comments from the public. The Board then determined that

this application is for a proposed action which is a Type II action under SEQRA.

After discussion, on motion duly made seconded and unanimously approved the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed alteration and addition meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application.

IPB Matter #98-16:
Irvington Corp., for

Application of Spectrum
Modified Site Development Plan
Lot #9, Legend Hollow.

Approval for

Mr. Craig Studer appeared for the Applicant. Applicant paid the required application fee and submitted evidence of mailing of required Notice to Affected Property Owners. Mr. Mastromonaco's memo dated 10/2/98 and discussion changes requested by the Planning Board during its site walk inspection were considered.

The Chairman opened the public hearing. There were no comments from the public. The Board closed the public hearing and took the following action. It approved "Site Plan (Lot #9) Legend Hollow, dated 3/4/98 last revised 10/7/98."

IPB Matter #98-14:
Irvington Corp., for

Application of Spectrum

Modified Site Development Plan

Approval for

Lot #1, Legend Hollow.

Mr. Craig Studer appeared for the Applicant. Applicant paid the required application fee and submitted evidence of mailing of required Notice to Affected Property Owners.

The Chairman opened the public hearing. Considerable discussion ensued about the positioning of this home within the building envelope. Mr. Studer agreed to four additional base plantings between the 454 and 456 contours. There were no comments from the public. The Board closed the public hearing and took the following action. It approved "Site Plan (Lot 1) for Spectrum Irvington Corp., dated March 4, 1998, last revised September 22, 1998.

IPB Matter #98-41:
Irvington Corp., for

Application of Spectrum

Site Development Plan Approval

for Lot #22,

Legend Hollow.

Mr. Craig Studer appeared for the Applicant. Applicant paid the required application fee and submitted evidence of mailing of required Notice to Affected Property Owners. E.C.B. comments dated October 7, 1998, were considered. The Chairman opened the public hearing. There were no comments from the public. There was some discussion about the driveway position and turning difficulty. Mr. Studer agreed to revise the plan and resubmit the plan at the Special October 14, 1998 Planning Board meeting.

IPB Matter #98-42:
Irvington Corp., for

for Lot #58,

Application of Spectrum
Site Development Plan Approval
Legend Hollow.

Mr. Craig Studer appeared for the Applicant. Applicant paid the required application fee and submitted evidence of mailing of required Notice to Affected Property Owners. The Chairman opened the public hearing. E. C.B. comments dated October 7, 1998, were considered. There were no comments from the public. The Board closed the public hearing and took the following action. It approved "Site Plan (Lot #58) Legend Hollow, dated September 9, 1998.

IPB Matter #98-40:
for a Waiver of Site

property at

Application of Jeffrey Link
Development Plan Approval for
28 Lewis Road.

Mr. Padraic Steinschneider appeared for the Applicant. This application was carried over from the September 2, 1998 Planning Board meeting. The questions of ownership and ownership approval for building additions were resolved with a letter received from Mr. Dorian Faust dated September 24, 1998, authorizing Jeffrey and Cindy Link and Gotham Design, Ltd., to proceed with the approval process for alterations and additions proposed to property at 28 Lewis Road, including submission of applications and appearances before all village boards.

Mr. Mastromonaco's concern for handling of storm water was addressed. Mr. John Siegal, a concerned neighbor, was assured that special trees would not be removed. Mr. Steinschneider proposed a silt line barrier that would be the maximum intrusion on property by construction equipment. He also proposed a gravel parking area for construction vehicles to avoid congestion on Lewis Road.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan approval. The Board then determined that the application is for a proposed action which is a Type II action under SEQRA.

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist to make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan approval for this Application.

IPB Matter #98-44:
Denise Ciccio and

Informal
property at
Road.

Application of Joseph &
Mitchell & Sheri Chernick for an
Discussion for subdivision of
Riverview

Norman Sheer, Esq., and Emilio Escaladas, Architect, appeared for the Application. The Applicants propose extending Riverview Road (at this point a paper road) as a driveway to develop two homes on their property. Considerable discussion ensued with the conclusion that any paper road extension must conform to village street specifications. Mr. Sheer attempted to explain why this is not required. Discussion also revolved around concerns about proposed septic systems. The application was held over to the November 4, 1998 Planning Board meeting.

IPB Matter #98-43: **Application of Stanley**
Rubenzahl for subdivision **approval for property at 76 North**
Broadway.

Norman Sheer, Esq., appeared for the Applicant. Applicant is requesting subdivision approval to have his existing two-story residence at the southeasterly end of the property located on a .75-acre parcel designated as Lot A, and the remainder of the property that includes an existing structure under lease to Maxxon Corp. located on a second parcel to be designated as Lot B. It was agreed to determine who owns Strawberry Lane. Mr. Sheer agreed to do a title search and further discussion will be continued at the November meeting.

The Board then considered the following administrative matters:

Minutes of the Planning Board held on August 5, 1998, and September 2, 1998, previously distributed, were, on motion duly made and seconded, approved.

The next regular meeting of the Planning Board was scheduled for Wednesday, November 4, 1998.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Allen Morris, Secretary